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7 *Attorneys for Defendants,*  
*Bank of America, N.A., successor by merger*  
8 *to BAC Home Loan Servicing, LP, and*  
*Mortgage Electronic Registration Systems, Inc.*  
9

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA  
12

13  
14 HERB W. DAY,

15 Plaintiff,

16 v.

17 BANK OF AMERICA, N.A., BAC HOME  
LOANS SERVICING, LP; MTC FINANCIAL,  
18 INC., and MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,  
19

20 Defendants.  
21

Case No.: 2:11-cv-02030-GMN-GWF

22 **ORDER EXPUNGING LIS PENDENS**

23 On June 13, 2012, this Court issued an Order [Dk. 28] granting Plaintiff's Notice of  
24 Voluntary Dismissal with Prejudice [Dkt. 10] of his action against Defendants Bank of America,  
25 N.A., successor by merger to BAC Home Loan Servicing, LP, and Mortgage Electronic Registration  
Systems, Inc. (collectively, **Defendants**).

26 Defendants request that the lis pendens Plaintiff Herb Day (**Plaintiff**) recorded against the  
27 subject property be canceled, released, and expunged.

28 ///

1 The Court finds that Plaintiff recorded a Notice of Lis Pendens (**Lis Pendens**) on or about  
2 December 19, 2011, as Document Number 201112190001478 in real property records maintained by  
3 the Clark County Recorder. A copy of the Lis Pendens is attached hereto as **Exhibit A** and fully  
4 incorporated by reference.

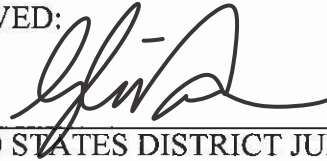
5 The Court hereby grants Defendants their requested relief and rules as follows:

6 1. It is ordered, adjudged, and decreed that the above-referenced Lis Pendens is hereby  
7 canceled, released, and expunged.

8 2. It is further ordered, adjudged, and decreed that this Order canceling the above-  
9 referenced Lis Pendens has the same effect as an expungement of the original Lis Pendens.

10 3. It is further ordered, adjudged, and decreed that Defendants record a properly  
11 certified copy of this Order in the real property records of Clark County, Nevada within a reasonable  
12 amount of time from the date of this Order's issue.

13 APPROVED:



14 UNITED STATES DISTRICT JUDGE

15 Dated: July 10, 2012

16 Submitted by:

17 **AKERMAN SENTERFITT LLP**

18 /s/ Steven G. Shevorski

19 ARIEL E. STERN, ESQ.

20 Nevada Bar No. 8276

21 STEVEN G. SHEVORSKI, ESQ.

22 Nevada Bar No. 8256

23 1160 Town Center Drive, Suite 330

24 Las Vegas, Nevada 89144

25 *Attorneys for Defendant Bank of America,*  
26 *N.A. as successor by merger to BAC Home*  
27 *Loans Servicing, LP, formerly known as*  
28 *Countrywide Home Loans Servicing LP*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on the 11th day of July, 2012 and pursuant to Fed. R. Civ. P. 5, I served via CM/ECF and/or deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **[Proposed] ORDER EXPUNGING LIS PENDENS**, postage prepaid and addressed to:

Mr. Herb W. Day  
8418 Tevere Valley Street  
Las Vegas, NV 89131-5929

*Plaintiff Pro Se*

/s/ Debbie Julien  
An employee of AKERMAN SENTERFITT LLP

AKERMAN SENTERFITT LLP

1160 TOWN CENTER DRIVE, SUITE 330  
LAS VEGAS, NEVADA 89144  
TEL.: (702) 634-5000 - FAX: (702) 380-8572

## **EXHIBIT A**

## **EXHIBIT A**

(3)

**RECORDING COVER PAGE**

Must be typed or printed clearly in black ink only.

Inst #: 201112190001478

Fees: \$19.00

N/C Fee: \$0.00

12/19/2011 10:13:28 AM

Receipt #: 1011163

Requestor:

HERB DAY

Recorded By: GILKS Pgs: 3

DEBBIE CONWAY

CLARK COUNTY RECORDER

APN# 125-11-610-011  
11 digit Assessor's Parcel Number may be obtained at:  
<http://redrock.co.clark.nv.us/assrrealprop/owner.aspx>

**TITLE OF DOCUMENT (DO NOT Abbreviate)**

NOTICE OF LIS PENDENS

Title of the Document on cover page must be EXACTLY as it appears on the first page of the document to be recorded.

Recording requested by:

HERB W DAY

Return to:

Name HERB W DAY

Address 8418 TEVERE VALLEY ST

City/State/Zip LV NV 89131

This page provides additional information required by NRS 111.312 Sections 1-2.

An additional recording fee of \$1.00 will apply.

To print this document properly—do not use page scaling.

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✓ FILED RECEIVED  
-- ENTERED -- SERVED ON  
CLERK OF DISTRICT COURT

2011 DEC 19 A 9:49

CLERK OF DISTRICT COURT  
CLERK OF DISTRICT COURT

BY \_\_\_\_\_

1 HERB W. DAY  
2 8418 TEVERE VALLEY ST.  
3 LAS VEGAS, NV, 89131-5929  
4 Phone: (702) 370-1741  
5 HerbWDay@hotmail.com  
6 Plaintiff Pro Se

7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA  
9 LLOYD D. GEORGE U.S. COURTHOUSE

10  
11  
12 HERB W. DAY

13 Plaintiff

2:11-cv-02030-LRH -GWF

14 vs.

15 BANK OF AMERICA N.A.; BAC HOME  
16 LOANS SERVICING, LP; MTC  
17 FINANCIAL, INC. dba TRUSTEE  
18 CORPS; MORTGAGE ELECTRONIC  
19 REGISTRATION SYSTEMS, INC. and  
20 DOES 1-100,

APN # 125-11-610-011

21 Defendants.

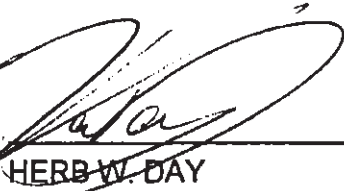
22 NOTICE OF LIS PENDENS

23 PLEASE TAKE NOTICE that an action has been commenced and is now pending in  
24 the above-entitled court under the docket number set forth above by Plaintiff Herb W.  
25 Day, suing defendants BANK OF AMERICA N.A.; BAC HOME LOANS SERVICING,  
26 LP; MTC FINANCIAL, INC. dba TRUSTEE CORPS; MORTGAGE ELECTRONIC  
27 REGISTRATION SYSTEMS, INC. and DOES 1-100 for money damages and quiet title  
28 and states:

Herb W. Day – Plaintiff Pro Se  
8418 Tevere Valley Street, Las Vegas, NV 89131-5929  
TEL.: (702) 370-1741 Email: HerbWDay@hotmail.com

1. As Plaintiff Herb W. Day has commenced an action against Defendants in Clark County.
2. The Defendants are BANK OF AMERICA N.A.; BAC HOME LOANS SERVICING, LP; MTC FINANCIAL, INC. dba TRUSTEE CORPS; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. and DOES 1-100.
3. The object of the action is: Fraud Count 1; Fraud Count 2; Wrongful Foreclosure; RESPA Violations; Fraudulent Assignment; Violations of NRS 107.086; Quiet Title and Declaratory Judgment.
4. The description of the real property to be affected is: Commonly known as 8418 Tevere Valley Street, Las Vegas NV 89131-5929 APN #125-11-610-011.

Dated this 19th day of December, 2011.



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HERB W. DAY  
8418 TEVERE VALLEY ST.  
LAS VEGAS, NV, 89131-5929  
Phone: (702) 370-1741  
HerbWDay@hotmail.com  
Plaintiff Pro Se